

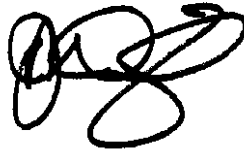
UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Jamin Mazyck, #238056,	)	Civil Action No. 3:08-249-GRA-JRM
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
Warden, Lieber Correctional Institution,	)	<b>REPORT AND RECOMMENDATION</b>
	)	
Respondent.	)	
_____	)	

Petitioner filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 23, 2008, alleging that he is in custody in violation of the Constitution of the United States. On July 11, 2008, petitioner filed a pleading entitled "Notice of Motion and Motion to Dismiss." Respondent has not opposed the motion. It is, therefore,

RECOMMENDED that this action be dismissed without prejudice.

Respectfully submitted,



Joseph R. McCrorey  
United States Magistrate Judge

July 25, 2008  
Columbia, South Carolina

**The parties' attention is directed to the important information on the attached notice.**

### **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4<sup>th</sup> Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).